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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,635	01/28/2004	Masatsugu Hatanaka	60712 (49321)	5425

7590 11/24/2004  
Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group  
Edwards & Angell, LLP  
P.O. Box 9169  
Boston, MA 02209

EXAMINER
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GHATT, DAVE A

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/767,635

Applicant(s)

HATANAKA ET AL.

Examiner

Dave A Ghatt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-5 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/26/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohtsuki (US 5,920,758). As illustrated in Figures 1 and 3, Ohtsuki teaches the claimed image forming apparatus. Figure 2 of Ohtsuki illustrates an image scanning section 100 located at an upper part of a housing of the apparatus for scanning an original to obtain image information therefrom. Figures 1 and 2 also illustrate a sheet feeding section (shown generally at 10) located at a lower part of the housing for feeding sheets used for image forming. Figures 1 and 2 show an image forming section 200 disposed between the image scanning section 100 and the sheet feeding section 10 at one side of the housing. As shown in Figure 2, Ohtsuki teaches the image scanning section 100, the image forming section 200 and the sheet feeding section 10 arranged generally in a U shape cross-section in the housing. As shown in Figure 1, a sheet delivery portion 300 is formed in an inner empty space of the housing just between the image scanning section 100 and the sheet feeding section 10. Figure 3 shows, and column 6 lines 1-22 outlines the structure where, the length (L1) of the sheet delivery portion 300 as measured along a sheet transport direction is made smaller than the length (L2) of a maximum printable sheet size.

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With respect to claim 2, as shown in Figure 7, Ohtsuki teaches one side and the front of the inner empty space contiguously open to the exterior of the apparatus.

With respect to claim 5, as shown in Figure 7, Ohtsuki teaches the sheet delivery portion is shaped to form a generally horizontal sheet receiving surface extending in a direction perpendicular to a sheet output direction.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtsuki (US 5,920,758) in view of Green (US 5,513,839). As outlined in the above rejection to claims 1, 2, and 5, Ohtsuki teaches all the claimed structure for an image forming apparatus, further including sheet output rollers 14. However, the output rollers of Ohtsuki do not include a shifter mechanism as recited. Green teaches a shifter mechanism as claimed. As taught in column 2 lines 63-67, Green teaches sheet output rollers that are used as offset rollers for offsetting printed sheets along a direction perpendicular to the sheet transport direction to selectively discharge the printed sheets to different sheet delivery positions on the sheet delivery portion. Figures 1 and 2 of Green also illustrate discharge rollers mounted on shifting shafts 21 and 22. To one of ordinary skill in the art, it would have been obvious to use a sheet output shifter mechanism

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system, as taught by Green, in the invention of Ohtsuki, in order to distinguish imaged sheets from different print jobs.

With respect to claim 4, as outlined above, Ohtsuki teaches all the claimed structure for an image forming apparatus, further including sheet output rollers 14. However, the output rollers of Ohtsuki do not include a shifter mechanism as recited. Green teaches discharge rollers with a shifter mechanism as claimed. As shown in Figures 1 and 2, Green teaches an offset unit mounted in the apparatus movably along the direction perpendicular to the sheet transport direction. Green also teaches offset rollers (18,19) for ejecting the printed sheets. As illustrated in Figures 1 and 2, and as outlined in column 5 line 64 to column 6 line 3, Green teaches the shifting of the offset unit along the direction perpendicular to the sheet transport direction, utilizing offsetting force generator M1 to provide this function. Green also teaches a driving force transmission part, spleen drive 31, connected to the offset rollers (18,19), and a roller turning force generator M2 for turning the driving force transmission part. To one of ordinary skill in the art, it would have been obvious to use a sheet output shifter mechanism system, as taught by Green, in the invention of Ohtsuki, in order to distinguish imaged sheets from different print jobs.

### ***Conclusion***

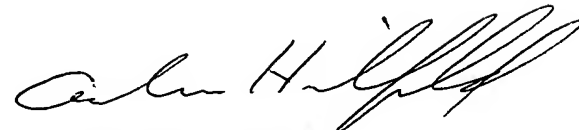
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



ANDREW H. HIRSHFELD  
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